

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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GEORGE L. MARSHALL,

Plaintiff(s),

v.

JAMES G. COX, et al.,

Defendant(s).

Case No. 2:15-CV-1090 JCM (CWH)

ORDER

Presently before the court is Magistrate Judge Hoffman's report and recommendation ("R&R"), recommending that plaintiff George Marshall's case be dismissed. (ECF No. 18). No objections have been filed, and the deadline for filing objections has now passed.

On February 29, 2016, the parties were ordered to participate in mediation scheduled for April 1, 2016. (ECF No. 7). Plaintiff did not file a request to be excused from mediation and failed to appear. (ECF No. 8).

On April 19, 2016, Magistrate Judge Hoffman held a show cause hearing, which plaintiff attended, and rescheduled mediation for May 23, 2016. (ECF Nos. 11, 14). Once again, plaintiff did not file a request to be excused from mediation and failed to appear. (ECF No. 15).

On July 28, 2016, Magistrate Judge Hoffman held another show cause hearing, which plaintiff failed to attend. (ECF No. 17).

Based on plaintiff's repeated failures to attend the court-ordered mediations and his failure to attend the second show cause hearing, Magistrate Judge Hoffman recommended that plaintiff's case be dismissed. (ECF No. 18).

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects



1 to a magistrate judge's report and recommendation, then the court is required to "make a de novo  
2 determination of those portions of the [report and recommendation] to which objection is made."  
3 28 U.S.C. § 636(b)(1).

4 Where a party fails to object, however, the court is not required to conduct "any review at  
5 all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149  
6 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a  
7 magistrate judge's report and recommendation where no objections have been filed. *See United*  
8 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review  
9 employed by the district court when reviewing a report and recommendation to which no  
10 objections were made).

11 Nevertheless, this court finds it appropriate to engage in a *de novo* review to determine  
12 whether to adopt the recommendation of the magistrate judge. Upon reviewing the  
13 recommendation and underlying briefs, this court finds good cause appears to ADOPT the  
14 magistrate judge's findings.

15 Accordingly,

16 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Magistrate Judge  
17 Hoffman's report and recommendation (ECF No. 18), be, and the same hereby are, ADOPTED.

18 IT IS FURTHER ORDERED that the instant case be, and the same hereby is, DISMISSED  
19 without prejudice.

20 The clerk shall enter judgment accordingly and close the case.

21 DATED August 30, 2016.

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23 UNITED STATES DISTRICT JUDGE  
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